

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Canadian National/Illinois Central Railroad Company,  
Perry County, the City of DuQuoin, and the State of  
Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety  
at the crossings of the Company's tracks with public  
highways known as South Line Street located in  
DuQuoin, Gas Plant Road located near DuQuoin, and  
Green Market Road located near DuQuoin, all in Perry  
County, Illinois, designated as crossings AAR/DOT 293  
677X, milepost 71.80-GE, AAR/DOT 295 057R, milepost  
289.61-M, and AAR/DOT 295 060Y, milepost 291.15-M

T00-0014

ORDER

By the Commission:

On January 7, 10, 24, 24 and 28, 2000, the Staff of the Illinois Commerce Commission, Canadian National/Illinois Central Railroad Company ("COMPANY"), Perry County ("COUNTY"), the City of DuQuoin ("CITY") and the Illinois Department of Transportation ("DEPARTMENT") respectively, executed the Stipulated Agreement No. 890 according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement, which is appended hereto, provides for safety improvements at the crossing of the Company's track with a public highways known as known as South Line Street located in DuQuoin, Gas Plant Road located near DuQuoin, and Green Market Road located near DuQuoin, all in Perry County, Illinois, designated as crossings AAR/DOT 293 677X, milepost 71.80-GE, AAR/DOT 295 057R, milepost 289.61-M, and AAR/DOT 295 060Y, milepost 291.15-M, respectively;

The Stipulated Agreement contains an estimate of cost to accomplish the improvements and a division of cost among the parties.

The Commission, having given due consideration to the Stipulated Agreement, finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the physical characteristics of the subject highway - railroad grade crossing, rail and highway volumes and speeds are indicated on Exhibit A of the Stipulated Agreement appended hereto;

- (3) the parties agree that in the interest of public safety the improvements as set forth in Section 2 of the Stipulated Agreement, appended hereto should be performed;
- (4) the cost for the proposed improvements should be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, in accordance with the Law;
- (5) it is fair and reasonable that the Secretary of the Illinois Department of Transportation through the Grade Crossing Protection Fund of the Motor Fuel Tax Law, the Canadian National/Illinois Central Railroad Company, Perry County and the City of DuQuoin be directed to bear their respective portions of the actual cost of the proposed improvements as set forth in Section 5 of the Stipulated Agreement, appended hereto;

IT IS THEREFORE ORDERED that the terms of the Stipulated Agreement executed by the Staff of the Commission, the Staff of the Illinois Commerce Commission, Canadian National/Illinois Central Railroad Company, Perry County, the City of DuQuoin, and the Illinois Department of Transportation, respectively, be, and they are hereby accepted and required to be met by the aforesaid parties.

IT IS FURTHER ORDERED that Canadian National/Illinois Central Railroad Company be, and it is hereby, required and directed to proceed immediately in performing its work as set forth in Section 2 of the Stipulated Agreement, appended hereto and shall complete its work within one (1) year from the date of this Order.

IT IS FURTHER ORDERED that the cost of making the improvements herein required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, as set forth in Section 5 of the Stipulated Agreement, appended hereto.

IT IS FURTHER ORDERED that all bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Director of Processing and Information, Transportation Division of the Commission, that the final bill for expenditures from each party shall be clearly marked "Final Bill". In addition, authorization for reimbursement from the Grade Crossing Protection Fund shall expire, and the Department shall de-obligate all residual Grade Crossing Protection Fund monies, twelve (12) months after the completion date specified in this Order.

IT IS FURTHER ORDERED that Canadian National/Illinois Central Railroad Company shall file Form 3 of 92 Ill. Adm. Code 1535 of this Commission showing details of the automatic warning devices herein required and shall receive approval thereof by X-Resolution before commencing the work of installation.

IT IS FURTHER ORDERED that the Canadian National/Illinois Central Railroad Company shall file a written report within ninety (90) days from the date of this Order with the Director of Processing and Information, of the Commission's Transportation Division, stating the progress it has made toward completion of its work herein required. Said report shall include the name, title, mailing address, phone number and facsimile number of the Company's employee responsible for management of this project.

IT IS FURTHER ORDERED that the Canadian National/Illinois Central Railroad Company shall file a written report with the Director of Processing and Information, of the Commission's Transportation Division, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of the billing for Grade Crossing Protection Fund reimbursement for their portion of the project and the percentage of completion of their portion of the project; if any portion of the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that Canadian National/Illinois Central Railroad Company shall submit to the Director of Processing, Transportation Division of the Commission within five (5) days of the completion of the work herein required, a National Inventory Update Report Form as a notice of said completion.

IT IS FURTHER ORDERED that the Canadian National/Illinois Central Railroad Company be, and it is hereby required and directed to submit a written notice, to the Director of Processing, Transportation Division of the Commission, of the date the work herein required of it has been completed, said notice shall be submitted within five (5) days after said completion date.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this 15th day of March, 2000.

*Richard L. Mathias*<sup>3</sup>

Chairman

EXAMINER
SECTION CHIEF <i>MES</i>
<i>[Signature]</i> Supervisor of Orders